

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JEANIE L. NICHOLAS,	)	Case No.: 5:17 CV 2558
	)	
Plaintiff	)	
	)	
v.	)	JUDGE SOLOMON OLIVER, JR.
	)	
COMMISSIONER OF	)	
SOCIAL SECURITY,	)	
	)	
Defendant	)	<u>ORDER</u>

Currently pending before the court in the above-captioned case is Plaintiff Jeanie L. Nicholas's ("Plaintiff") Motion to Proceed *In Forma Pauperis* ("IFP") (ECF No. 2). For the following reasons, the court adopts the Report and Recommendation ("R & R") (ECF No. 5) issued by Magistrate Judge Kathleen M. Burke denying Plaintiff's IFP Motion. Accordingly, Plaintiff's IFP Motion is hereby denied.

On December 8, 2017, Plaintiff commenced this civil action, appealing the final administration decision denying Plaintiff's Social Security Disability Benefits application for lack of a disability. (Compl., ECF No. 1.) Plaintiff also filed the instant IFP Motion. On January 4, 2018, Magistrate Judge Burke submitted her R & R, recommending that Plaintiff's IFP Motion be denied because, "Plaintiff has not demonstrated that she cannot pay court costs without undue hardship." (R & R at 2.) Magistrate Judge Burke noted that although Plaintiff is unemployed, her spouse makes \$3,186 a month from his employment, which he has held since 2011. (*Id.*) Magistrate Judge Burke further recommends that, should the R & R be adopted, Plaintiff be ordered to pay the \$400 filing fee within thirty (30) days of the date of this Order. (*Id.* at 2-3.)

As of the date of this Order, no objections to the R & R have been filed. Because a timely objection has not been filed, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee’s note; *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require the district court review of a magistrate[] [judge’s] factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).

In conclusion, after careful review of Magistrate Judge Burke’s R & R and all other relevant documents in the record, the court finds no clear error. Accordingly, the court adopts as its own Magistrate Judge Burke’s R & R (ECF No. 5) in its entirety and hereby denies Plaintiff’s Motion to Proceed IFP (ECF No. 2). Plaintiff shall pay the \$400 filing fee within thirty (30) days of the date of this Order.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.  
UNITED STATES DISTRICT JUDGE

January 26, 2018